

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONAL BUSINESS DEVELOPMENT SERVICES, INC.

Plaintiff,
v.

CIVIL NO. 07-11140
HON. LAWRENCE P. ZATKOFF

AMERICAN CREDIT EDUCATION & CONSULTING, INC.,
NATIONAL FINANCIAL CREDIT, INC.,
THIRD EYE, INC.,
VR-TECH DATA PROCESSING SOLUTIONS, L.L.C.,
VR- TECH MARKETING GROUP, L.L.C.,
VR TECH REAL ESTATE HOLDINGS, INC.,
VR- TECH SOFTWARE SOLUTIONS, L.L.C.,
MICHAEL CURRY,
JOHN HONOS,
PAT KARAS,
MIKE TOLOFF

Defendants.

/

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

This matter is before the Court on Plaintiff National Business Development Services, Inc.'s ("National Business") Motion for Reconsideration, filed on August 20, 2007 (Docket # 45). National Business challenges the Court's August 8, 2007, Opinion and Order granting Defendants' Motion to Dismiss Plaintiff's complaint (Docket # 43). Pursuant to E.D. MICH. LR 7.1(g)(2), no response is permitted.

National Business's original complaint included seven counts. The only count at issue alleges infringement of National Business's copyrights. In brief, National Business claims that Defendants, some of whom National Business previously employed, have been producing works that infringe on National Business's copyrighted works. On August 8, 2007, the Court granted

Defendants' motion to dismiss.

Local Rule 7.1(g)(3) governs motions for reconsideration, stating that "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." E.D. MICH. LR 7.1(g)(3). The same subsection further states, "the movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." *Id.*

National Business maintains that the Court's August 8, 2007, Opinion and Order contained four palpable defects. First, National Business contends that the "Court's ruling that the Plaintiff did not possess a copy of the deposit materials . . . at the time of the filing of the lawsuit" was erroneous. National Business raises no new arguments in making this contention and misconstrues the contention's significance. Regardless of National Business's possession of the deposit materials, National Business failed to articulate the manner in which its work was infringed. A different finding would not change the outcome of the case.

National Business's next two arguments allege that the Court improperly applied case law. By its own admission, National Business already raised these arguments. Consequently, they are not proper grounds for reconsideration. Finally, National Business contends that it was a palpable defect for the Court to "disregard Magistrate Judge Morgan's Order, which set forth a specific discovery order with applicable deadlines." The Court has already explained that it was the nature of National Business's discovery— that of a "fishing expedition"— that was problematic. Allowing the discovery order to proceed to specified deadlines does not resolve the problematic nature of the discovery.

The Court finds that National Business's Motion for Reconsideration merely presents the same issues the Court addressed in its August 8, 2007, Opinion and Order. Further, National Business has failed to show that correcting any of the alleged defects will yield a different disposition of the case. Therefore, National Business's Motion for Reconsideration is HEREBY DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 10, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 10, 2007.

s/Marie E. Verlinde
Case Manager
(810) 984-3290